

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MICHAL KONOPKA and DRAGAN BOSOTINA, and on behalf of themselves  
and all others similarly situated, PLUMBERS UNION LOCAL NO. 1 OF THE  
UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE )  
PLUMBING AND FITTING INDUSTRY OF THE UNITED STATES AND )  
CANADA, TRUSTEES OF THE PLUMBERS LOCAL UNION NO. 1 )  
WELFARE FUND, TRADE EDUCATION FUND, and 401(k) SAVINGS PLAN, )  
TRUSTEES OF THE UNITED ASSOCIATION NATIONAL PENSION FUND, )  
and TRUSTEES OF THE INTERNATIONAL TRAINING FUND, )

*Plaintiff(s)*

v.

PACE PLUMBING CORP., PACE PLUMBING DELAWARE CORP.,  
THE PACE COMPANIES NEW YORK, LLC, PACE FIELD  
SERVICES, LLC d/b/a PACE MECHANICAL, and EAGLESTONE,  
LLC d/b/a EAGLESTONE NY, LLC, and ATERIAN INVESTMENT  
MANAGEMENT, LP d/b/a ATERIAN INVESTMENT PARTNERS, )

*Defendant(s)*

Civil Action No. 25 Civ. 811 (RER)(CLP)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Pace Plumbing Corp., 41 Box Street, Brooklyn, New York 11222  
Pace Plumbing Delaware Corp., 41 Box Street, Brooklyn, New York 11222  
The Pace Companies New York, LLC, 41 Box Street, Brooklyn, New York 11222  
Pace Field Services LLC, 41 Box Street, Brooklyn, New York 11222  
Eaglestone, LLC, 551 5th Avenue, 9th Floor, New York, NY 10176  
Aterian Investment Management, LP, 1700 Broadway, 38th Fl., New York, NY 10019

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Troy L. Kessler  
KESSLER MATURA, P.C.  
534 Broadhollow Road, Ste. 275  
Melville, New York 11747  
(631) 499-9100

John C. Philo  
SUGAR LAW CENTER FOR  
ECONOMIC & SOCIAL JUSTICE  
4605 Cass Ave., 2nd Fl.  
Detroit, Michigan 48201  
(313) 993-4505

Jane Lauer Barker  
PITTA LLP  
120 Broadway, 28th Floor  
New York, NY 10271  
(212) 652-3828

Charles R. Virginia, III  
VIRGINIA & AMBINDER, LLP  
40 Broad Street, 7th Floor  
New York, NY 10004  
(212) 943-9080

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**BRENNA B. MAHONEY**  
CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: